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RUEHNEC/AMCONSUL CALCUTTA PRIORITY 0834  
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C O N F I D E N T I A L SECTION 01 OF 02 ISLAMABAD 013344

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TAGS: [PK](#) [PREL](#) [PGOV](#)

SUBJECT: WOMEN'S RIGHTS: ONE STEP FORWARD, MORE IN THE  
OFFING

REF: ISLAMABAD 12517

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Classified By: Ambassador Ryan C. Crocker, DSCG 05-01,  
January 2005, Edition 1, Reason: 1.4 (B,D)

¶1. (C/NF) Summary. Minister of Women's Development Sumaira Malik's campaign to improve the state of women's rights in Pakistan won its second battle on June 8, when President Musharraf signed an Ordinance into law that will release nearly 1300 women from prison. The Ordinance orders women currently awaiting trial in jail because they did not originally qualify for bail to be released, as long as they are not charged with murder, terrorism, or major financial fraud. Women arrested in the future on any crime except these three felonies will be immediately released on bail. Malik called the law a huge first step, and outlined three further legal changes she hopes to oversee: repealing or amending the Hudood law (Ref A), closing a major loophole in the Honor Killing law (ref B), and drafting a new domestic violence ordinance.

ORDINANCE FREES 1300 WOMEN

¶2. (U) President Musharraf on June 8 signed into law an Ordinance that frees approximately 1300 women currently imprisoned awaiting trial for minor crimes because they did not qualify for bail. The Ordinance also modifies the Criminal Procedure Code by ordering the release on bail of all women who are arrested, as long as they have not been charged with murder, terrorism, or major financial fraud. Human rights activists and lawyers estimate that the majority of those released will be women charged with petty-theft, minor narcotics infractions, or crimes under the Hudood Ordinance. (Note: The Hudood law, enacted by General Zia regime in the 1970s, applies harsh Shari'a-based procedures and penalties for crimes such as rape and adultery; it is particularly discriminatory against women. End note.) By

Monday June 10, 94 women in Punjab had been released. Reporting from the other three provinces has been spotty; the full release of all of the women who qualify for release may take a week or two.

¶3. (U) The Ordinance, pushed through by Women's Development Minister Sumaira Malik to win over detractors to her proposed amendments to the Hudood law, has garnered support from all sides. Human Rights Commission chairperson Asma Jehangir said that the Ordinance would provide great relief to female prisoners currently under trial (or awaiting trial). Malik told Poloff that MMA female legislators--including Samia Raheel Qazi, daughter of Islamic fundamentalist political leader Qazi Hussain Ahmed--supported the Ordinance because it upholds Islamic norms of women's honor.

¶4. (U) Some lawyers and activists, such as senior advocate Dr. Aslam Khaki, expressed concern that women who were being released from prison would be disowned by their families and have no where to go. Women's Affairs Minister Sumaira Malik allayed these fears when questioned by PolOff, by saying that the Women's Affairs Ministry would provide shelter for those in need.

ONLY THE BEGINNING, SAYS MALIK

¶5. (C/NF) Malik told Emboffs during a June 11 meeting that she is upbeat about the prospects of changing the laws governing women's rights. The Ordinance releasing women from prison is only the first part of an ambitious, yet carefully designed agenda Malik laid out for Emboffs. Over the past two months, Malik has overseen a campaign to change public opinion on the Hudood law (ref A); Malik now expects that there will be major revisions to Hudood--or possibly a complete repeal--by September or October. Next, Malik plans

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to tighten last year's Honor Killings law, which while far-reaching, left open a major loophole that allowed the families of honor killings victims to "forgive" the perpetrator, ensuring that they would escape prosecution. Malik also hopes to initiate a public information campaign and draft new legislation on domestic violence in coming months.

COMMENT

¶6. (C/NF) Sumaira Malik has wasted no time during her short two-month tenure as Women's Affairs Minister to drive through critically needed legal reforms. Malik clearly understands the problems her predecessors have faced in bringing about changes to Hudood and Honor Killings laws. She has been savvy in building public support, and painting her proposed amendments as completely in line with Islamic law. Her clearly-laid out public information strategy has included extensive use of news media, as well as outreach to village men and women.

CROCKER